

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION

---

JONATHAN LEE RICHES,

Cause No. CV 09-62-BLG-RFC-CSO

Petitioner,

vs.

CASEY ANTHONY; BERNARD  
MADOFF; CAYLEE ANTHONY,

FINDINGS AND  
RECOMMENDATION  
OF U.S. MAGISTRATE JUDGE

Respondents.

---

This matter is before the Court on a petition for writ of habeas corpus filed by Petitioner Riches, a federal prisoner proceeding pro se, pursuant to 28 U.S.C. § 2241. Riches is incarcerated at the Federal Medical Center in Lexington, Kentucky.

28 U.S.C. § 2241(a) authorizes the federal district courts to grant

writs of habeas corpus “within their respective jurisdictions.” This Court plainly lacks jurisdiction. The petition should be dismissed.

Transfer to cure want of jurisdiction, 28 U.S.C. § 1631, would not be in the interest of justice. As of mid-2008, Riches had filed 2,400 actions in the federal courts, give or take a few hundred. United States Party/Case Index, <http://pacer.uspci.uscourts.gov> (May 27, 2009).

Additionally, because jurisdiction is plainly lacking, any appeal from the District Court’s disposition would be taken in bad faith.<sup>1</sup>

Based on the foregoing, the Court enters the following:

#### RECOMMENDATION

1. The Petition (doc. 1) should be DISMISSED.
2. The District Court should CERTIFY that any appeal from its disposition would be taken in bad faith, pursuant to Fed. R. App. P. 24(a)(4)(B).
3. The District Court should direct the Clerk to enter a judgment of dismissal.

---

<sup>1</sup> Because Riches is a federal prisoner who is proceeding under 28 U.S.C. § 2241, the usual requirement for a certificate of appealability does not apply. 28 U.S.C. § 2253(c)(1)(A), (B).

NOTICE OF RIGHT TO OBJECT TO FINDINGS &  
RECOMMENDATION AND CONSEQUENCES OF FAILURE TO  
OBJECT

Pursuant to 28 U.S.C. § 636(b)(1), Petitioner may serve and file written objections to this Findings and Recommendations within ten (10) business days of the date entered as indicated on the Notice of Electronic Filing. A district judge will make a de novo determination of those portions of the Findings and Recommendations to which objection is made. The district judge may accept, reject, or modify, in whole or in part, the Findings and Recommendations. Failure to timely file written objections may bar a de novo determination by the district judge.

Petitioner must immediately file a “Notice of Change of Address” if his mailing address changes while this action remains pending in this Court. Failure to do so may result in dismissal of his case without notice to him.

DATED this 28th day of May, 2009.

/s/ Carolyn S. Ostby  
Carolyn S. Ostby  
United States Magistrate Judge